

**CALIFORNIA VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD
OPEN MEETING MINUTES
APRIL 23, 2004
10:00 A.M.
630 "K" STREET
FIRST FLOOR HEARING ROOM
SACRAMENTO, CALIFORNIA**

The California Victim Compensation and Government Claims Board convened its regular session at the call of the chairperson Fred Aguiar, Secretary, State and Consumer Services, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Friday, April 23, 2004, at 10:00 a.m. Also present were Board members Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller, and Michael Ramos, San Bernardino County District Attorney.

Board staff present included Catherine Close, Interim Executive Officer; Judith Kopec, Interim Chief Counsel; Richard Anderson, Chief Deputy Executive Officer; Christina M. Aceituno, Manager, Government Claims Division; in the audience were David Shaw, Deputy Executive Officer, Revenue Recovery and Appeals Division; and Shirley Ramudo, Chief, Audits Branch. Melissa Turben, Legal Secretary, recorded the meeting.

The Board meeting commenced with the pledge of allegiance.

The Board voted to adopt the March 19, 2004, Board Meeting minutes.

EXECUTIVE OFFICER'S REPORT

Ms. Close discussed the "Executive Officer's Report" dated April 23, 2004. Ms. Close noted that the Victim Compensation Program is initiating a Quality Assurance Program to minimize errors. Ms. Close reported that data from counties with criminal restitution contracts indicate that the number of restitution orders and their amounts have increased. Board staff is evaluating administrative costs savings in both Joint Powers and criminal restitution contracts.

GOVERNMENT CLAIMS PROGRAM

The Board commenced the Government Claims Program portion of the meeting at 10:15 a.m.

^{Item 1} The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda dated April 6, 2004, with the following changes:

^{Item 17} **Claimant: Stringer Business Systems** **G536272**

The claimant requested to continue the claim.

^{Item 67} **Claimant: Jeffrey Allen Faust** **G541686**

Staff requested to continue the claim.

^{Item 208} **Claimant: Suzan Kumre** **G543965**

The claimant requested to continue the late claim application.

A.	Total claims awarded on consent	125	
	To be paid under GC § 965	31 For	\$114,088.89
	To be paid under claims bill	94 For	\$146,408.83
B.	Claims rejected on consent	268	

Item 2 CLAIMANT: Honeywell G541167

Rudy DeGuzman, Building Manager II, and Nick Camino, both appeared on behalf of the Department of General Services. After discussion, the Board voted to adopt the staff recommendation to allow the claim for the amount of \$52,893.75 pursuant to Government Code section 965.

Item 3 CLAIMANT: Totlcom, Inc. G540875

Kay Overman, and Jan Lanning, both appeared on behalf of the California Health and Human Services Agency Data Center. After discussion, the Board voted to adopt the staff recommendation to allow the claim for the amount of \$50,251.00 pursuant to Government Code section 965.

Item 4 CLAIMANTS: Red Coelho, Clara Coelho, Melvin L. Coelho, and Norma Linger G540280

Jody Coelho, appeared on behalf of the claimants, and Steven Oliva, Senior Legal Counsel, appeared on behalf of the Department of Conservation. After discussion, the Board voted to adopt the staff recommendation to allow the claim for the amount of \$91,000.00 pursuant to Government Code section 13928.

Item 5 CLAIMANT: Scotty Hobbs G529707

The Board voted to adopt the proposed decision to deny the claim pursuant to Penal Code section 4900 et seq.

The Government Claims Program was completed at 10:30 a.m.

VICTIM COMPENSATION PROGRAM

The Board commenced the Victim Compensation Program portion of the meeting at 10:52 a.m.

Item 1 Catherine Close, Interim Executive Officer, presented the “Report of the University of California San Francisco (UCSF) Trauma Center”, which was for discussion and information only. Robert Okin, Ph.D., and Alicia Boccerllari, Ph.D., appeared on behalf of the UCSF Trauma Center and reported on the success of the pilot project.

REQUESTS FOR RECONSIDERATION

The Board voted to adopt the staff recommendations to allow the following requests for reconsideration for agenda item numbers 2 through 10, and deny request for reconsideration for agenda item numbers 11 through 33.

11. CLAIMANT	558008V
12. CLAIMANT	558560V
13^a CLAIMANT	624567V
13^b CLAIMANT	624569V
14. CLAIMANT	632349V
15. CLAIMANT	632350V

16. CLAIMANT	648345V
17. CLAIMANT	692289V
18. CLAIMANT	636569V
19. CLAIMANT	660015V
20. CLAIMANT	669067V
21. CLAIMANT	680006V
22^a CLAIMANT	682455V
22^b CLAIMANT	685876V
23. CLAIMANT	722998V
24. CLAIMANT	732690V
25. CLAIMANT	739334V
26. CLAIMANT	741152V
27. CLAIMANT	741154V
28. CLAIMANT	744241V
29. CLAIMANT	752438V
30. CLAIMANT	759798V
31. CLAIMANT	773642V
32. CLAIMANT	787629V
33. CLAIMANT	790436V

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn and took action on claims for which a hearing was denied under the California Code of Regulations, title 2, section 647.20.1, agenda item numbers 34 through 55.

Item ⁵⁶ Judith Kopec, Interim Chief Counsel, presented the proposed precedent decision in the matter of the application of Cheryl W., application number 698272, regarding reimbursement of in-home care services. After discussion the Board voted to adopt the precedent decision as number 04-02.

Item ⁵⁷ Judith Kopec, Interim Chief Counsel, presented the proposed precedent decision in the matter of the application of Julie F., application number 722532, regarding reimbursement for relocation expenses. After discussion the Board voted to adopt the precedent decision as number 04-03.

PUBLIC COMMENT

Georgia Hilgeman-Hammond, Executive Director and Founder of the Vanish Children's Alliance addressed the Board regarding family abduction issues and the denial of Victim Compensation Program applications. Ms. Hilgeman-Hammond briefly explained the role of the Vanish Children's Alliance, which is a national non-profit organization dedicated to the prevention, location, and recovery of missing and abducted children. Ms. Hilgeman-Hammond suggested county advocates and Board staff become educated on the qualifications of these children who are victims and who may also qualify for victim compensation. Ms. Hilgeman-Hammond then provided the Board members with pamphlets regarding the program. Next, Michael Siegel, attorney, requested clarification on the interpretation of the regulations regarding additional counseling for derivative victims. Judith Kopec, Interim Chief Counsel, will review the letter Mr. Siegel submitted and address Mr. Siegel's concerns.

CLOSED EXECUTIVE SESSION (GC § 11126(c)(3))

Pursuant to Government Code section 11126(c)(3), the Board members adjourned into a closed Executive Session with the Board's Interim Chief Counsel at 10:50 a.m., to deliberate on the proposed decisions that were taken under submission during the meeting.

The Board reconvened into an open session at 10:55 a.m.

PROPOSED DECISIONS

Item 58 **CLAIMANT** **603215V**

The Board voted to remand this matter to the hearing officer.

Item 59 **CLAIMANT** **621539V**

The Board voted to adopt the proposed decision.

Item 60 **CLAIMANTS** **691877V & 691874V**

The Board voted to adopt the proposed decision.

Item 61 **CLAIMANT** **697116V**

The Board voted to adopt the proposed decision.

Item 62 **CLAIMANT** **704040V**

The Board voted to adopt the proposed decision.

Item 63 **CLAIMANT** **704971V**

The Board voted to adopt the proposed decision.

Item 64 **CLAIMANT** **723192V**

The Board voted to adopt the proposed decision.

Item 65 **CLAIMANT** **724872V**

The Board voted to adopt the proposed decision.

Item 66 **CLAIMANT** **731476V**

The Board voted to adopt the proposed decision.

Item 67 **CLAIMANT** **737837V**

The Board voted to adopt the proposed decision and directed staff to return it to the Board for consideration as a precedent decision.

Item 68 **CLAIMANT** **748732V**

The Board voted to adopt the proposed decision.

Item 69 **CLAIMANT** **750788V**

The Board voted to adopt the proposed decision.

Item 70 **CLAIMANTS** **752089V**

The Board voted to adopt the proposed decision.

Item 71 **CLAIMANT** **754226V**

The Board voted to adopt the proposed decision.

Item 72 **CLAIMANT** **761474V**

The Board voted to adopt the proposed decision.

Item 73 CLAIMANT 766430V

The Board voted to adopt the proposed decision.

Item 74 CLAIMANT 766612V

The Board voted to adopt the proposed decision.

Item 75 CLAIMANT 768336V

The Board voted to adopt the proposed decision.

Item 76 CLAIMANT 774421V

The Board voted to adopt the proposed decision.

Item 77 CLAIMANT 774541V

The Board voted to adopt the proposed decision.

Item 78 CLAIMANTS 777554V, & 777553V

The Board voted to adopt the proposed decision.

Item 79 CLAIMANT 778887V

The Board voted to adopt the proposed decision.

Item 80 CLAIMANT 782236V

The Board voted to adopt the proposed decision.

Item 81 CLAIMANT 782888V

The Board voted to adopt the proposed decision.

Item 82 CLAIMANT 788295V

The Board voted to adopt the proposed decision.

Item 83 CLAIMANT 793801V

The Board voted to adopt the proposed decision.

Item 84 CLAIMANT 794142V

The Board voted to adopt the proposed decision.

Item 85 CLAIMANT 796427V

The Board voted to adopt the proposed decision.

Item 86 CLAIMANT 796826V

The Board voted to adopt the proposed decision.

Item 87 CLAIMANT 797718V

The Board voted to adopt the proposed decision.

The Board voted to appoint Karen McGagin the Executive Officer of the California Victim Compensation and Government Claims Board, effective May 3, 2004. Next, the Board voted to delegate specific powers and duties to the Executive Officer.

Anita Ahuja, Executive Liaison, announced the social events that are scheduled for Catherine Close's retirement.

The meeting was adjourned at 11:00 a.m.

KAREN McGAGIN
Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of _____ at _____, California.

Date: _____ By: _____

Sally Gill
Board Liaison

(Affix seal here)